

8102. Adulteration of unroasted coffee. U. S. v. 21 Bags of Unroasted Coffee. Default decree of condemnation and destruction. (F. D. C. No. 15952. Sample No. 13242-H.)

LABEL FILED: April 23, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1945, by the Leon Israel Brothers, Lighterage, N. Y.

PRODUCT: 21 bags of unroasted coffee at Cincinnati, Ohio.

LABEL, IN PART: Santos Cafe Do Brasil Estado DeSa'O Paulo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and moldy substance by reason of the presence of insect-infested and moldy coffee beans.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8103. Adulteration and misbranding of fruit-flavored beverage bases. U. S. v. 78 Cases of Beverage Bases. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 16062. Sample Nos. 26633-H to 26640-H, incl.)

LABEL FILED: On or about May 10, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about November 10, 1944, by Holler's Concentrated Beverages, from Miami, Fla.

PRODUCT: 78 cases, each containing 48 bottles, of beverage bases of various flavors at Denver, Colo. Analysis showed that the grape-, strawberry-, cherry-, loganberry-, raspberry-, and punch-flavored products were artificially flavored and colored solutions of water and acid or acids; and that the orange- and lime-flavored products were artificially colored emulsions of water, acid, sugar, citrus peel oil, brominated vegetable oil, and vegetable gum. A portion of the products also contained phosphoric acid that was not declared on the labels.

LABEL, IN PART: "Holler's Grape [or "Strawberry," "Cherry," "Orange," "Loganberry," "Lime," "Raspberry," or "Punch"] Flavored Concentrate."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial coloring, in all instances, and artificial flavoring, in some instances, had been added to the products or mixed or packed with them, so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), the designs of fruits on the case labels and the statements on the respective bottle labels, "Grape [or "Strawberry," "Cherry," "Orange," "Loganberry," "Lime," "Raspberry," or "Punch"] Flavored Concentrate," were misleading; and the statement on the bottle labels, "Holler's flavors make delicious Jellies, Jams," was misleading since the products would not make jellies or jams.

Further misbranding, Section 403 (i) (2), the labels on the loganberry- and punch-flavored products failed to bear the common or usual name of each ingredient.

DISPOSITION: On or about August 3, 1945, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

8104. Adulteration of fruit-flavored sirups. U. S. v. 150 Cases of Raspberry-, Cherry-, and Orange-Flavored Sirups. Default decree of condemnation and destruction. (F. D. C. No. 16442. Sample Nos. 10085-H to 10087-H, incl.)

LABEL FILED: June 16, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 24, 1945, by the Sol Lenzner Corporation, from Buffalo, N. Y.

PRODUCT: 50 cases each of raspberry-, cherry-, and orange-flavored sirups, each case containing 12 1-pint bottles, at Pittsburgh, Pa. These products contained saccharin in place of some of the sugar which would normally be used.

LABEL, IN PART: "True Fruit and Imitation Raspberry [or "Cherry," or "Orange"] Flavor 32° Baume Cane and Dextrose Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the products; Section 402 (b) (2), flavoring sirups containing saccharin had been substituted in whole or in part for flavoring sirups containing cane and dextrose sirup, which the products were represented to be; and, Section 402 (b) (4), saccharin, a substance having no food value, had been added to and mixed and packed with the products so as to reduce their quality or strength.

DISPOSITION: August 14, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8105. Misbranding of canned grapefruit juice. U. S. v. 1,497 Cases of Canned Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16250. Sample No. 9604-H.)

LIBEL FILED: May 28, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about April 19, 1945, by the E. S. Smith Co., from Lakeland, Fla.

PRODUCT: 1,497 cases, each containing 12 cans, of grapefruit juice at Buffalo, N. Y. The cans were short-volume.

LABEL, IN PART: "Zenada Brand Unsweetened Grapefruit Juice. Contents 1 Qt. 14 Fl. Oz. Packed by F & M Packing Co. Brooksville, Fla."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 9, 1945. The Danahy-Faxon Stores, Inc., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8106. Adulteration of canned orange juice. U. S. v. 128 Cases and 399 Cases of Canned Orange Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 16379, 16380. Sample Nos. 769-H, 770-H.)

LIBELS FILED: June 26, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 22 and April 21, 1945, by Citrus Concentrates, Inc., from Dunedin, Fla.

PRODUCT: 527 cases, each containing 24 cans, of orange juice at Atlanta, Ga.

LABEL, IN PART: "Sunfilled Brand Pure Orange Juice."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and a decomposed substance by reason of the presence of maggots, fly eggs, and decomposed orange material.

DISPOSITION: August 1, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8107. Misbranding of orange juice and pulp. U. S. v. 149 Jugs of Orange Juice and Pulp. Default decree of forfeiture and destruction. (F. D. C. No. 16254. Sample Nos. 19117-H to 19119-H, incl., 19139-H.)

LIBEL FILED: May 26, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about June 12 and August 25, 1944, and February 19, 1945, by the Nehi Corporation, from Columbus, Ohio.

PRODUCT: 149 1-gallon jugs of orange juice and pulp at Menomonie, Wis. Analysis showed that the product was a mixture of about 70 percent orange juice, containing substantially more fragments of insoluble orange tissue than does commercial orange juice, water, added citric acid and either added phosphoric acid or acid phosphate, and sodium benzoate.

LABEL, IN PART: "Nehi Corporation Par-T-Pak Orange Juice and Pulp."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Orange Juice and Pulp" and the words "Contains orange juice and citric acid * * * This product contains no preservative," appearing on the bottle label, were false and misleading as applied to a mixture of orange juice, excess fragments of insoluble orange tissues, water, citric and phosphoric acids, or acid phosphate, and the chemical preservative, benzoate of soda; Section 403 (i) (2), the label did not bear the common or usual name of each ingredient of the product; and, Section 403 (k), the product contained a chemical preservative, benzoate of soda, and the label did not state that fact.

DISPOSITION: July 16, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS*

CORN MEAL

8108. Adulteration of corn meal. U. S. v. 21 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16843. Sample Nos. 13430-H, 13431-H.)

LIBEL FILED: July 13, 1945, Southern District of Ohio.

*See also No. 8248.